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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,869	08/23/2001	Jose Garcia Arumi	ARUMI	9449

7590 01/31/2003

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EXAMINER

BAXTER, JESSICA R

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,869

Applicant(s)

ARUMI ET AL.

Examiner

Jessica R Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: change “the recesses of are bounded” in lines 1-2 to --the recesses are bounded--. Appropriate correction is required.
2. Claim 12 is objected to because of the following informalities: change “smaller than then the inside width” in line 3 to --smaller than the inside width--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by the limitation “the front face of the light guide is configured in slanted relative to the longitudinal axis.” It is unclear what is meant by “slanted relative”, it appears that a term is left out of the limitation.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,746,770 to Zeitels et al.

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Regarding claim 1, Zeitels discloses an instrument comprising a handle (grip 26) with an actuator (trigger grip 27) in operative engagement with a sliding pin (FIG. 3), a tube (tool 34), and a jaw structure (arms 8) separated by a slot and a recess on each jaw opposing one another (FIG. 12).

Regarding claims 2-6, Zeitels discloses a light guide with a light source that is configured to provide a slanted angle of light (Column 3 lines 53-67) through a lens (Column 4 lines 14-20).

Regarding claim 16, Zeitels discloses that the rod comprises two portions configured in semi-circular shape (splints 2).

Regarding claims 17 and 18, Zeitels discloses that a first and second tube piece comprising the probe is formed as a unit (tool 34).

Regarding claim 19 and 20, Zeitels discloses an opening on the first tube piece and an axial exit for the light guide (Column 3 line 53-Column 4 line 9).

7. Claims 1, 7, 9, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,549,731 to Wattley.

Regarding claim 1, Wattley discloses an instrument comprising a handle (handle 42) with an actuator (rod 20) in operative engagement with a sliding pin (shank 81), a tube (sleeve 60), and a jaw structure (jaws 82 and 83) separated by a slot and a recess on each jaw opposing one another (Fig. 2).

Regarding claim 7, Wattley discloses that the jaw structure closes in a flush closure (FIG. 3).

Regarding claims 9 and 10, Wattley discloses that the recesses pushed together form a tear drop shape where the inside length is greater than the inside width (FIG. 3).

Regarding claim 15, Wattley discloses that the two arms are tapered off in the direction of the frontal face (FIGS. 2 and 3).

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8. Claims 1, 7, 8, 11, 12, 13, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,797,958 to Yoon.

Regarding claim 1, Yoon discloses an instrument comprising a handle (handle 24) with an actuator (handle 26) in operative engagement with a sliding pin (Column 5 lines 58-62), a tube (member 14), and a jaw structure (jaws 18 and 20) separated by a slot and a recess on each jaw opposing one another (FIGS 13-16).

Regarding claim 7, Yoon discloses that the jaw structure closes in a flush closure (FIG. 1).

Regarding claim 8, Yoon discloses that each of the legs are provided with an edge smaller than one half the diameter of the rod (FIGS. 12, 14 and 16).

Regarding claim 11 and 12, Yoon discloses that the recesses form an elongate shape (FIGS. 1 and 2).

Regarding claims 13 and 14, Yoon discloses that the recesses form a circular shape wherein the inside diameter is the same as the outer diameter of the tube shaped probe (FIGS 12-17).

Regarding claim 15, Yoon discloses that the two arms are tapered off in the direction of the frontal face (FIG. 17).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to grasping instruments:

U.S. Patent No. 4,427,014 to Bel et al.

U.S. Patent No. 5,486,185 to Freitas et al.

U.S. Patent No. 4,467,802 to Maslanka

U.S. Patent No. 5,514,148 to Smith, III

U.S. Patent No. 4,655,219 to Petruzzi

U.S. Patent No. 5,735,849 to Baden et al.

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U.S. Patent No. 5,222,973 to Sharpe et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R Baxter whose telephone number is 703-305-4069. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on 703-308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Jessica R Baxter
Examiner
Art Unit 3731


jrb
January 27, 2003


MICHAEL J. MILANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700